

H. Suitability for Appointment to a Beginning Position

An applicant will be deemed unsuitable for appointment to a beginning position whenever the applicant loses any of the minimum qualifications set forth in Rule VII, MINIMUM QUALIFICATIONS.

In addition to the minimum qualifications, the following establishes causes for determining an applicant's suitability for appointment to a beginning position in the Police or Fire Department:

★ 1. Academic Ability

Applicants' academic records must reflect the ability to maintain the high standards demanded in the Training Academy.

When an applicant presents a high school diploma or a G.E.D. certificate, the applicant's academic records must reflect a minimum overall grade point average of "C" or its numerical equivalent. In the event an applicant's high school grade point average is below this standard, *or the police applicant presents a G.E.D. certificate*, the applicant must have attended an accredited college or university, completed at least twelve (12) semester hours, and maintained a minimum grade point average of a "C" or its numerical equivalent.

★ Semester hours presented under this cause do not include Continuing Education Credits (CEU), Technical Training, or credit for Life Experience where college credit is given but specific grades are not assigned.

Applicants' high school or college records must not indicate excessive tardiness or absenteeism; or failure to follow the institution's policies and procedures, or rules and regulations.

Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

2. Withdrawals

Applicants desiring to withdraw from consideration must submit a signed written statement indicating this desire to the Applicant Processing Unit. In the event no written statement is presented, the applicant will continue in the process subject to the conditions specified in these rules.

Applicants withdrawing their applications are eligible to reapply for subsequent entrance examinations.

★ 3. Financial Responsibility

Applicants must demonstrate fiscal responsibility and judgment in the management of their personal affairs. An applicant's poor or bad credit history, failure to pay just debts, delinquency on outstanding loans, or bankruptcies, repossessions, and foreclosures will be considered on a case-by-case basis due to the number of variables involved.

Factors considered include the type and number of debts, reasons for credit problems, extenuating circumstances, and the potential for financial-related problems to have an impact on the applicant's judgment and integrity.

Applicants obligated to child and/or spousal support payments must be current on all payments.

- ★ Applicants deemed unsuitable under this cause *are not eligible to reapply for eighteen (18) months from the date deemed unsuitable under this cause.*

4. Physical Fitness

Applicants must possess the physical ability necessary to perform the rigorous physical demands of the Training Academy and to professionally accomplish the assignments of a police officer or fire fighter without undue risk of injury or fatigue. Applicants must demonstrate they possess an efficient cardiovascular respiratory system and adequate levels of muscular strength, flexibility, and endurance by their successful completion of the Physical Fitness Evaluation in which they meet or exceed the Physical Fitness Standards approved by the Commission in Rule XV, MEDICAL, PSYCHOLOGICAL, and PHYSICAL FITNESS.

Applicants must meet or exceed each standard during a single evaluation to be considered having successfully completed the evaluation.

Applicants who fail the physical fitness evaluation are allowed to retest within two (2) weeks. Applicants failing the physical fitness evaluation after two attempts are unsuitable.

Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

★ 5. Driving Record

Applicants must possess a valid Texas Class "C" Operator's License or another state's equivalent.

Applicants' driving records must reflect driving habits that are compatible with the safe operation of emergency vehicles. Applicants are deemed unsuitable when at any point in their processing, their driving records reflect one or more of the following:

- a) Traffic citations, regardless of disposition, for five (5) or more hazardous moving traffic offenses within the preceding thirty-six (36) months;

- b) Traffic citations, regardless of disposition, for eight (8) or more traffic offenses, regardless of offense, within the preceding thirty-six (36) months;
- ★ c) Involvement as a driver in three (3) or more motor vehicle accidents within the preceding twenty-four (24) months *where the applicant's actions contributed to the accident in any way*; or
- d) Suspension or revocation of driving privileges within the preceding twenty-four (24) months.
- e) Two (2) or more traffic violation convictions within the twelve (12) months preceding the date of the appointment to the Training Academy.
- f) Applicants must not be on probation for D.W.I. or other traffic offenses.
- g) Applicants must not be wanted on outstanding traffic warrants.

Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

6. Polygraph Examination

Applicants must demonstrate their veracity in responses to all personal history, employment, criminal activity, and personal habit interrogatories presented in the Polygraph Questionnaire approved by the Commission. Satisfactory demonstration of this requirement will be based on a polygraph examiner's report of "*No Deception Indicated.*"

Manner of Testing

- a) Each applicant is required to complete an approved "Polygraph Examination Questionnaire" prior to undergoing the examination.
- b) The polygraph examination is for the sole purpose of verifying the applicant's truthfulness in the responses to the approved questionnaire.
- c) Current or former law enforcement, corrections, or security officers are required to respond to additional questions relating to their conduct as a law enforcement, corrections, or security officer.
- d) Polygraph examinations are conducted by a licensed polygraph examiner.
- e) Applicants whose original polygraph results are found to be other than "No Deception Indicated" are re-examined within thirty (30) days.
- f) Subsequent polygraph examinations are conducted by a different examiner.

- g) Examiners who are related to an applicant, in the first degree by blood or marriage, are ineligible from administering the polygraph examination to the relative or to applicants appearing higher than the relative on the eligibility list.

Applicants whose polygraph results remain deceptive or inconclusive after two (2) examinations are deemed unsuitable.

Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

7. Psychological Evaluation

Applicants must be certified by a licensed psychologist or psychiatrist to be in satisfactory psychological and emotional health appropriate to the duties and functions of a professional police officer or fire fighter.

Applicants who fail to be certified as psychologically fit to perform the duties of a police officer or fire fighter by a licensed psychologist or psychiatrist are deemed unsuitable.

In accordance with Chapter 143.022, applicants deemed unsuitable under this cause may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the commission. The applicant must pay for the board examination. The board's decision is final.

Applicants who fail to be certified by the board are eligible to reapply for subsequent entrance examinations.

8. Compliance with Processing Requirements

Applicants are required to complete and satisfactorily meet the employment process requirements. This includes submitting paperwork such as the personal history questionnaire and other documents prior to the designated date, reporting to appointments and examinations on the scheduled dates and times, proper notification of address and/or telephone number changes, and complying with the directions and instructions of the Applicant Processing Unit.

Applicants who fail to complete or satisfactorily meet the employment process requirements are unsuitable.

Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

★ 9. Employment History

- a) Applicants must demonstrate maturity, dependability, integrity, good work ethic, and loyalty to their past and present employers.

- The applicant's employment history from age seventeen (17) must not indicate instability in the applicant's employment history; excessive tardiness or absenteeism; inefficiency; failure to follow directions, policies and procedures, and rules and regulations; poor working relationships; or negligent work habits.
- ✪ Applicants deemed unsuitable under the above cause *are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable for this cause.*
- b) Applicants must not have been terminated, asked to resign, or resigned from any previous employment for engaging in inappropriate or unlawful behavior, including but not limited to any of the following:
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| <ul style="list-style-type: none"> • Theft • Assault • Threats • Any Felony Offense • Sex Crimes • Sexual Harassment | <ul style="list-style-type: none"> • Discriminatory or Retaliatory Acts • Any offense involving acts of morale turpitude • Disorderly Conduct or other Breaches of the Peace |
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Applicants deemed unsuitable under the above cause remain permanently unsuitable.

- c) Applicants must not have been employed or engaged in an illegal occupation.

Applicants deemed unsuitable due to employment in an illegal occupation remain permanently unsuitable.

- d) Applicants previously employed as law enforcement officers, corrections officers, or fire fighters who have been terminated or asked to resign from the employing agency remain permanently unsuitable. This shall include law enforcement officers, corrections officers, or fire fighters that have been terminated or asked to resign during their probationary period, but does not include applicants who are terminated or are asked to resign while attending a training academy.

10. Personal Interview and/or B-Pad

- a) Police Applicants

- 1) Applicants must demonstrate their ability to effectively communicate in a structured interview process which requires the applicant to respond to common police scenarios.
- 2) The applicants are rated on the following dimensions:

- Decision Making
- Ability to Control Anger
- Stress Management
- Self-confidence
- Openness and Honesty
- Independence of Judgment
- Flexibility
- Personal Security
- Understanding of Others

- 3) Applicants who fail to satisfactorily demonstrate these dimensions are deemed unsuitable.
- 4) Applicants are provided feedback regarding the specific dimension(s) in which they were deficient, what they excelled in, and what they might do to improve their future performance.
- 5) Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

b) Fire Applicants

- 1) Applicants must provide evidence of suitability for the position of fire fighter as well as demonstrate their ability to effectively communicate during one or more of the following exercises:
 - a. Structured Interview,
 - b. Behavioral-Personnel Assessment Device, and/or
 - c. Screening Board Interview.
- 2) Applicants may be provided feedback regarding the specific dimension(s) in which they were deficient, what they excelled in, and what they might do to improve their future performance.
- 3) Applicants deemed unsuitable under this cause are eligible to reapply for subsequent entrance examinations.

11. False Statements of Material Fact

Applicants must be truthful and honest in their responses to all inquiries relative to their suitability for employment.

Applicants found to have withheld material information, and/or practiced or attempted to practice any deception or fraud in their application, examination, or appointment are deemed unsuitable.

Applicants deemed unsuitable under this cause remain permanently unsuitable.

12. Medical Examination

Applicants must be declared physically sound and free from defect which may adversely affect the performance of the duties of a police officer or fire fighter; and show no trace of drug dependency or illegal drug use after a physical examination, blood test, or other medical test. To this end, applicants must be certified by a licensed physician in accordance with Chapter 143 of the Texas Local Government Code to meet or exceed the physical requirements established by this Commission for the position applied for.

In accordance with Chapter 143.022, applicants deemed unsuitable under this cause may request another examination by a board of three physicians, psychiatrists, or psychologists, as appropriate, appointed by the commission. The applicant must pay for the board examination. The board's decision is final.

Applicants who fail to be certified by the board are eligible to reapply for subsequent entrance examinations.

★ 13. Use of Illicit Substances

Applicants are deemed unsuitable if they have:

- a) Used marijuana for the purpose of recreation or intoxication:
 - 1) Any time during the twenty-four (24) months preceding the date of application;
 - 2) More than three (3) independent times during the five (5) years preceding the date of application; or
 - 3) At any time while serving as a law enforcement officer, correction officer, security officer, or fire fighter.
- b) Used paint, glue or other inhalants for the purpose of intoxication.
- c) Used any hallucinogenic drugs, including, but not limited to LSD, STP, or Psilocybin.
- d) Abused or illegally used prescription medicines whether prescribed to them or another person, or otherwise obtained for the purpose of intoxication or recreation.
- ★ e) *Used anabolic steroids for any reason other than the treatment of a medical condition, authorized by and under the direction of a physician*

- f) Illegally used any other substances or drugs listed in the Texas Controlled Substances Act, including, but not limited to: Amphetamines, Methamphetamines, Cocaine, Opium, Barbiturates, Heroin, Morphine, Ecstasy, and Eve.

Applicants deemed unsuitable under “a1” and “a2” of this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.

Applicants deemed unsuitable under “a3”, “b”, “c”, “d”, and “f” of this cause remain permanently unsuitable.

- ☛ Applicants deemed unsuitable under “e” of this cause are not eligible to reapply for a period of five (5) years from the date of the usage.

14. Criminal Activity

Applicants are deemed unsuitable if they:

- a) Are under indictment for a felony offense.
- b) Have a Class A, B, or C Misdemeanor charge pending against them.
- c) Are currently under investigation for, or are considered a suspect in, any criminal offense.
- d) Are on probation or parole for a criminal offense.
- e) Have an outstanding warrant for their arrest for any criminal offense.
- f) Make an admission to the commission of a Class A or B Misdemeanor which occurred within the last five (5) years (**for FIRE APPLICANTS**) and within the last ten (10) years (**for POLICE APPLICANTS**) while the applicant was seventeen (17) years of age or older.
- g) Are currently living with anyone who is a convicted felon.
- h) Have been or are currently on court-ordered community supervision or probation for a Class B misdemeanor which occurred within the last ten (10) years (**for POLICE APPLICANTS**).

Applicants deemed unsuitable under “a”, “b”, “c”, “d”, “e”, “f”, “g” and “h” of this cause are eligible to reapply for subsequent entrance examinations when the unsuitability factor is no longer applicable.

- i) Have executed a confession to a felony offense, such confession being admissible as evidence against the person in any criminal proceeding.
- j) Make an admission to the commission of a felony which occurred while the applicant was seventeen (17) years of age or older.
- k) Have permitted, condoned, or assisted in the commission of a felony offense by another which occurred while the applicant was seventeen (17) years of age or older.
- l) Admit to the delivery or sale of any substance listed in the Texas Controlled Substance Act.
- m) Have been convicted of a Possession of a Controlled Substance offense.
- n) Admit to or have been convicted for the offenses of Public Lewdness, Indecent Exposure, Disorderly Conduct Nos. 7 or 8, or similar offenses.
- o) Admit to or have been convicted of an act of family violence.
- p) Have ever been or currently on court-ordered community supervision or probation for any criminal offense above the grade of a Class B misdemeanor **(for POLICE APPLICANTS)**.

Applicants deemed unsuitable under “i”, “j”, “k”, “l”, “m”, “n” “o” and “p” of this cause remain permanently unsuitable.

15. Membership in Prohibited Organizations

Applicants are deemed unsuitable if they currently are, have belonged to, or been closely associated with:

- a) Any organization which advocates the overthrow of any government by force or violence.
- b) Any organization which advocates or engages in unlawful conduct directed at individuals or groups based upon the individual’s or group’s race, sex, religion, national origin, age, skin color, sexual preference, disability, or conduct otherwise commonly known as “Hate Crimes”.

Applicants deemed unsuitable under this cause remain permanently unsuitable.

★ 16. Temperate Habits

Applicants must demonstrate moderation and self-restraint in their personal, social, and public affairs reflecting the high standards required of a professional police officer or fire fighter. Applicants must demonstrate temperance in the use of alcohol and display emotional self-control while portraying respect for others' dignity, privacy, and property. Similarly, applicants must exhibit the absence and avoidance of extravagance, violent outbursts, and extreme partisanship.

- ⚡ Applicants disqualified under this cause are not eligible to reapply for a period of eighteen (18) months from the date deemed unsuitable under this cause.

17. State Licensing Requirements

Fire applicants must meet all legal requirements necessary to become eligible for future licensing by the Commission on Fire Protection Personnel Standards and Education.

Police applicants must meet all legal requirements necessary to become eligible for future licensing by the Commission on Law Enforcement Officer Standards and Education.

Applicants disqualified under this cause are eligible to reapply for subsequent entrance examinations.

18. Ability to Read and Write English

Applicants must demonstrate their ability to read, write, and converse in English.

Applicants disqualified under this cause are eligible to reapply for subsequent entrance examinations.